

## NAYS—12.

Cooper,  
Davis,  
Evans,  
Fleming,Getzendaner,  
Gibbs,  
Gooch,  
Harris,Jones,  
King,  
Peacock,  
Traylor.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 2, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 293, being "An act to amend title 17, chapter 10, of the Revised Statutes of the State of Texas, by adding thereto articles 503a and 503b," and find the same correctly engrossed.

PATTON, for Committee.

Senator Fleming moved to adjourn until 3 o'clock p. m. to-day.

Senator Martin moved to adjourn until 10 o'clock a. m. to-morrow, as to-day was independence day, which was seconded by Senator Jones for the same reason.

Motion adopted by the following vote, and the Senate adjourned in honor of its being the anniversary of Texian independence, which was declared on the second day of March, 1836:

## YEAS—15.

Buchanan,  
Collins,  
Cooper,  
Fleming,  
Getzendaner,Gibbs,  
Gooch,  
Houston,  
Johnston of Shelby,  
Jones,King,  
Kleberg,  
Martin,  
Patton,  
Randolph

## NAYS—9.

Chesley,  
Farrar,  
Harris,Johnson of Collin,  
Peacock,  
Perry,Pfeuffer  
Stratton  
Traylor.

## FORTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 3, 1883. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the chaplain.

On motion of Senator Peacock, the reading of the journal of yesterday was dispensed with, and same adopted.

Senator Fowler presented a petition of citizens of Bastrop county, requesting the Legislature to submit to the people of the State a constitutional amendment, prohibiting the importation, manufacture or sale of intoxicating liquors as a beverage in this State.

Referred to Committee on Constitutional Amendments.

Also, a message from citizens of Fayette county, on the same subject as the one presented from Bastrop county.

Referred to Committee on Constitutional Amendments.

Senator Peacock presented a petition from over 300 citizens of Marion county, against the submission of a prohibition amendment to the State Constitution.

Referred to Committee on Constitutional Amendments.

Senator Martin, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 3, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 280, being "An act to regulate the duties of telegraph companies, and to prescribe a penalty for the violation of the same."

Also, Senate bill No. 294, being "An act to amend article 420, chapter 4, title 17, of the Revised Statutes."

And find the same correctly engrossed.

MARTIN, Chairman.

Senator Peacock, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 311, entitled "An act to provide for the dissolution of attachments," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The bill provides that the truth of the grounds for attachment may be controverted by affidavit of the defendant, and a trial had upon his motion to dissolve the attachment before the court, without a jury, in vacation or in term time, and if, in the opinion of the court, good and legal grounds did not exist, the attachment shall be dissolved. Your committee believe that the present attachment law is liable to abuse, and think that debtors should be protected against the acts of irresponsible agents, and that, perhaps, the scope of actual damages should be enlarged, but do not consider the legislation proposed in this bill advisable.

All of which is respectfully submitted.

PEACOCK, for Committee.

Bill read first time.

Senator Getzendaner, for the Committee on Roads and Bridges, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 2, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 305, being a bill to be entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas, by adding thereto article 4420a," have had the same under consideration, and I am instructed by your committee to report the accompanying substitute back with the recommendation that the substitute do pass.

The bill is intended to make it the duty of, and to authorize, the road overseer to cut ditches for draining the water from public roads when same may be necessary.

All of which is respectfully submitted.

GETZENDANER, for Committee.

Bill read first time.

Senator Terrell introduced a bill entitled "An act to authorize the city of Austin to issue bonds for the purpose of constructing sewers, and to provide for the payment of interest thereon."

Referred to Judiciary Committee No. 1.

Senator Gibbs introduced a bill to be entitled "An act to amend article 96 of the Penal Code, and creating article 96a."

Referred to Judiciary Committee No. 2.

Senator Pope introduced a bill to be entitled "An act to amend articles 1667 and 1693 of the Revised Civil Statutes."

Referred to Committee on Privileges and Elections.

On motion of Senator Gooch, Senator Matlock was excused for yesterday and to-day, and Senator Cooper for to-day.

On motion of Senator Johnson of Collin, the postmaster was excused for to-day.

Senator Stratton moved to go into executive session on the appointments of the Governor, sent to the Senate and not yet acted on.

Upon which motion the Senate voted as follows:

## YEAS—12.

Chesley,  
Collins,  
Davis,  
Fleming,Getzendaner,  
Houston,  
Johnston of Shelby,  
Kleberg,Martin,  
Patton,  
Perry,  
Stratton.

## NAYS—12.

Evans  
Farrar  
Fowler,  
Gibbs,Gooch,  
Harris,  
Johnson of Collin,  
King,Peacock,  
Shannon,  
Terrell,  
Traylor.

Lost under section 61, Senate rules, as the Lieutenant-Governor is absent, and all questions on which the Senate is equally divided when said officer is absent are lost.

Senator Terrell, by leave, presented a memorial of S. J. Minton, J. S. Laududolet and others, of Burnet county, asking a constitutional amendment prohibiting the importation, sale or manufacture of intoxicating liquors as a beverage in Texas.

Referred to Committee on Constitutional Amendments.

Also, petition of J. M. Jones, through their agents, Jonhs & Spence, with regard to certain matters of difference between them as agents and the late Comptroller of the State, and requesting authority to collect certain unpaid balance due them, with letter, etc., from the Comptroller.

Referred to the Committee on Finance.

A message was received from the House announcing the passage of House bill No. 522, to be entitled "An act to amend sections 3, 4, 5, 6, 11, 14, 15, 16, 18, 20, 21, 22, 23, 26, 28, 29, 30, 51, 52, 82, 90, 91, 117, 127, 128, 135, 140, 142, 147, 148, 151, 157, 158, 159, 161, 170 and 171, of 'an act to incorporate the city of Galveston and to grant a new charter,' approved August 2, 1876, and amended by act of Legislature, approved April 5, 1881."

The President gave notice of signing the following bills, which he signed in the presence of the Senate:

House bill No. 20, entitled "An act to amend article 4411 of the Revised Civil Statutes of the State of Texas," and

House bill No. 49, entitled "An act to reorganize the twenty-fifth judicial district of the State of Texas, and to provide the times for holding the district courts therein."

The President laid before the Senate Senate concurrent resolution No. 2, "Ratifying the leases of the penitentiaries of the State of Texas," as the special order for this hour.

Senator Johnston of Shelby offered the following amendment:

Amend the report of the majority of the committee, by adding at the end of the resolution the following provision:

"Provided, that the aforesaid lease shall in no event be of longer duration than ten years; and the said lessees and their bondsmen shall, within thirty days after the passage of this resolution, file in the office of the Secretary of State, a written acceptance of said modification; otherwise said contract shall be and are hereby revoked."

Senator Kleberg moved a call of the Senate.

Call sustained.

Roll called. Absent, Senators Stratton and Martin, the last named Senator being on duty as one of the committee for counting the cash balance in the State treasury.

Pending business went to the table.

Senate joint resolution No. 16, "To amend section 8, article 7, of the Constitution," was taken up in regular order, and read second time, and committee amendment adopted.

Senator Kleberg offered the following amendment:

Amend by adding: "There shall also be elected at such general election county superintendents in counties of over ten thousand inhabitants, and their salaries provided by law."

Senator Chesley offered the following substitute:

"The Legislature shall provide for the election or appointment of county superintendents in counties having a population of more than fifteen thousand inhabitants; the manner of election or appointment, and the duties of such superintendents to be prescribed by law."

Accepted.

Senator Davis offered to amend the amendment as follows: Add after "elected," the words "or selected in such other way as may be prescribed by law, general or special, enacted without notice."

Senator Gooch moved the previous question on the amendments and resolution.

Motion seconded and main question ordered.

Senator Davis' amendment was lost by the following vote:

YEAS—5.

Chesley,  
Collins,

Getzendaner,  
Harris,

Kleberg,

NAYS—24.

Buchanan,  
Cooper,  
Davis,  
Evans,  
Farrar,  
Fleming,  
Fowler,  
Gibbs,

Gooch,  
Houston,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,  
King,  
Martin,  
Patton,

Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Randolph,  
Shannon,  
Terrell,  
Traylor.

The amendment of Senator Chesley was then voted on and lost.

Resolution ordered engrossed by the following vote:

YEAS—17.

Buchanan,  
Chesley,  
Collins,  
Evans,  
Fleming,  
Getzendaner,

Gibbs,  
Houston,  
Jones,  
Kleberg,  
Patton,  
Peacock,

Pfeuffer,  
Pope,  
Shannon,  
Terrell,  
Traylor.

NAYS—24.

Cooper,  
Davis,  
Farrar,  
Fowler,

Gooch,  
Harris,  
Johnson of Collin,  
Johnston of Shelby,

King,  
Martin,  
Perry,  
Randolph.

Senator Gooch moved to excuse Senator Stratton for the morning session.

Adopted by the following vote:

YEAS—26.

Buchanan,  
Chesley,  
Collins,  
Cooper,  
Evans,  
Farrar,  
Fowler,  
Getzendaner,  
Gibbs,

Gooch,  
Harris,  
Houston,  
Johnson of Collin,  
Johnston of Shelby,  
King,  
Kleberg,  
Martin,  
Patton,

Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Randolph,  
Shannon,  
Terrell,  
Traylor.

NAYS—3.

Davis,

Fleming,

Jones.

The Senate being announced full, the consideration of Senate concurrent resolution No. 2 was resumed.

Senator Collins offered the following amendment to the pending amendment of Senator Johnston of Shelby.

"Provided further, that after six years the lease contract may be annulled by act of the Legislature if considered in the interest of the State so to do."

Senator Jones moved to adjourn until 3 o'clock p. m.

Adopted by the following vote:

YEAS—16.

Chesley,  
Collins,  
Cooper,  
Farrar,  
Fleming,  
Gibbs,

Houston,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,  
Kleberg,

Martin,  
Patton,  
Pfeuffer,  
Pope,  
Shannon.

NAYS—13.

Buchanan,  
Davis,  
Evans,  
Fowler,  
Getzendaner,

Gooch,  
Harris,  
King,  
Peacock,

Perry,  
Randolph,  
Terrell,  
Traylor.

## AFTERNOON SESSION.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

Senator Farrar, chairman of Committee on Asylums, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Asylums, to whom was referred Senate bill No. 326, entitled "An act to amend articles 122, 129, 137 and 138 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 130 and 132 of the Revised Civil Statutes of the State of Texas, as amended and approved April 17, 1879, and to add article 130a," have had the same under consideration, and they instruct me to report it back with the recommendation that it do pass.

The principal object of this bill is to vest the power of appointment of superintendents of the Deaf and Dumb and the Blind Asylums in a board of managers, to be appointed by the Governor, by and with the advice and consent of the Senate, and to conform existing laws to the change proposed by this bill.

All of which is respectfully submitted.

FARRAR, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February —, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Asylums, to whom was referred Senate bill No. 327, entitled "An act to amend articles 66, 67, 68, 70, 71, 72, 73, 74 and 80, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 75 and 79 of the Revised Civil Statutes of Texas, as amended on April 18, 1879, and to add article 68a," have had the same under consideration, and instruct me to report it back with a recommendation that it do pass.

The leading object of this bill is to vest the power of appointment of the superintendent of the Lunatic Asylum in a board of managers, to be appointed by the Governor, by and with the advice of the Senate, and to conform the law regulating the management of this asylum to this proposed change in the law.

All of which is respectfully submitted.

FARRAR, Chairman.

Bill read first time.

Senator Gibbs introduced a bill to be entitled "An act ceding to the United States government jurisdiction over certain property in the city of Dallas, for the purpose of erecting a public building thereon."

Referred to Committee on Federal Relations.

Senator Fleming, chairman of Committee on Federal Relations, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 3, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate bill No. —, entitled "An act ceding to the United States government jurisdiction over certain property in the city of Dallas, for the purpose of erecting a public building thereon," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do pass, for the reason that an act of Congress making an appropriation for erecting a public building in Dallas requires the ceding of jurisdiction over the property.

All of which is respectfully submitted.

FLEMING, Chairman.

Bill read first time.

The unfinished business from the morning session, being Senate concurrent resolution No. 2, with regard to the penitentiary lease, was resumed or taken up for consideration.

Pending its discussion, Senator Gooch moved the postponement of the pending bill until after morning call Monday.

Adopted.

Senator Stratton moved to postpone order of business and take up House bill No. 522, entitled "An act to amend sections 3, 4, 5, 6, 11, 14, 15, 16, 18, 20, 21, 22, 23, 26, 28,

29, 30, 51, 52, 82, 90, 91, 117, 127, 128, 135, 140, 142, 148, 149, 151, 157, 158, 159, 161, 170 and 171, of 'an act to incorporate the city of Galveston, and to grant a new charter,' approved August 2, 1876, and amended by act of Legislature, approved April 5, 1881."

Adopted, and bill taken up and read first time.

Senator Stratton moved to suspend the order of business and put the bill on its second reading.

Adopted by the following vote:

YEAS—30.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnson of Shelby,	Shannon,
Farrar,	Jones,	Stratton,
Fleming,	King,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Martin,	Mr. President.

NAYS—none.

Bill read second time and ordered engrossed.

Senator Shannon moved to suspend the rules and put the bill on its third reading.

Adopted by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Peacock,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pope,
Cooper,	Johnson of Collin,	Randolph,
Davis,	Jones,	Shannon,
Farrar,	King,	Stratton,
Fleming,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,	Patton,	

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Peacock,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pope,
Cooper,	Johnson of Collin,	Randolph,
Davis,	Jones,	Shannon,
Farrar,	King,	Stratton,
Fleming,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,	Patton,	

NAYS—1.

Evans.

Senator Kleberg moved to suspend regular order of business and take up Senate bill No. 125, entitled "An act to amend section 10 of an act entitled 'an act to provide for traveling expenses of the quartermaster, etc., of frontier battalion,' approved May 4, 1874."

Adopted, and bill taken up, and read second time and ordered engrossed.

Senator Harris moved to suspend regular order of business and take up Senate bill No. 323, to be entitled "An act to redistrict the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday in November, A. D. 1884."

Adopted, and bill taken up and read second time.

Senator Harris offered the following amendments:

Page 2, section 2, line 6, strike out "second" and insert "third."

Page 9, line 25, strike out the words "the eighth Mondays after."

Page 6, line 2, strike out "second" and insert "third."

Page 14, line 12, strike out "five" and insert "four."

Page 11, line 8, strike out "ninth" and insert "tenth."

Page 11, line 9, strike out "fourteenth" and insert "fifteenth."

Page 11, line 10, strike out "fifteenth" and insert "sixteenth."

Page 14, line 16, after the word "Mondays" insert the words "after the first Mondays."

Page 15, line 5, strike out "three weeks" and insert "two weeks."

Page 14, section 34, line 7, before "weeks" insert "four."

Add to section 34 the following: "In the county of El Paso, on the eighth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of."

Section 34, line 6, strike out "third" where it occurs the second time in the line and insert the word "first."

Adopted.

Senator Davis offered the following amendment:

On page 7, line 9, strike out "5" and insert "6," and in line 10, strike out "nineteenth" and insert "twentyeth."

Adopted.

Senator Farrar moved that the order of business be suspended and that Senate bill No. 326, entitled "An act to be entitled an act to amend articles 122, 129, 137 and 138 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 130 and 132 of the Revised Civil Statutes of the State of Texas, as amended and approved April 17, 1879, and to add article 130a," be taken up, and 150 copies ordered printed by Monday morning at 10 o'clock.

Adopted.

Also, that the order of business be suspended and Senate bill No. 327, entitled "An act to amend articles 66, 67, 68, 70, 71, 72, 73, 74 and 80 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 75 and 77 of the Revised Civil Statutes of the State of Texas, as amended on April 18, 1879, and to add article 68a," be taken up, and 150 copies ordered printed by 10 o'clock a. m. Monday.

Adopted.

On motion of Senator Traylor, the Senate adjourned until 10 o'clock a. m. Monday.

#### FORTY-SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 5, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Upon motion of Senator Peacock, the reading of Saturday's journal was dispensed with, and the same adopted.

Senator Matlock presented the following petitions:

A petition from the citizens of Wichita county, protesting against the change of the jurisdiction of the county court of Wichita county.

Referred to Committee on Judicial Districts.

Also, a petition from the citizens of Young county, asking the Legislature to transfer the civil and criminal jurisdiction of the county court of Young county to the district court.

Referred to Committee on Judicial Districts.

Senator Buchanan presented a petition of citizens of Smith and Cherokee counties, asking the Legislature to

submit a constitutional amendment prohibiting sale and importation of intoxicating liquors in Texas.

Referred to Committee on Constitutional Amendments.

Senator Chesley, chairman of Committee on Privileges and Elections, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 5, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Privileges and Elections, to whom was referred Senate bill No. 330, entitled "An act to amend articles 1667 and 1693 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass. The object of the bill is to so amend the election laws as to authorize commissioners' courts in their discretion to provide for two sets of ballot boxes and two managers of election, one for State and county officers and one for presidential electors and members of Congress.

CHESLEY, Chairman.

Bill read first time.

Senator Gibbs, chairman of Committee on Constitutional Amendments, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 41, proposing an amendment to article 7 of the Constitution of the State of Texas, by adding another section, have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that the substance is already embraced in another resolution.

All of which is respectfully submitted.

GIBBS, Chairman.

Resolution read first time.

COMMITTEE ROOM,  
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 35, entitled "A joint resolution amending section 9, of article 8, of the Constitution of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table.

All of which is respectfully submitted.

GIBBS, Chairman.

Resolution read first time.

COMMITTEE ROOM,  
AUSTIN, March 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolutions Nos. 4, 10, 11 and 13, entitled "Joint resolution to amend section 3, article 7, of the Constitution of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

Strike out the words "twenty-five cents on each one hundred dollars," and insert "fifteen cents on each one hundred dollars;" and add the following proviso:

"Provided, that when the aforesaid State tax, with the aid of school revenue from all other sources, and without regard to local taxation, shall be sufficient to support a general efficient system of free schools for a longer term than six months in the year, the rate of said State tax may be reduced. Should said State tax and revenue, however, be inadequate to support such system for six months without local taxation, said tax may be increased to an extent sufficient to support such system for six months, not to exceed twenty cents on the one hundred dollars valuation in any one year."

All of which is respectfully submitted.

GIBBS, Chairman.

Substitute House joint resolution read first time.

COMMITTEE ROOM,  
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolutions, Nos. 6, 8 and 27, "Proposing an amendment to section 9, article 8, of the Constitution of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments: